

G. R. S. 58]

Previous references.

Gts 76-23 sls 1-13.

64-17 sl 1.

Gts Dep. 207-23.

Later references.

Gts 116-24 sl 1.

Dep no 268-25-

Gts 126-26-1 (Conf)

Law 470-57-(4)

1924

(Court)

File No. 19-24

Serial Nos 1-5

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Five.

Part B for

Feb 25

SUBJECT

Status of the Government Advocate under
the Law Department Rules.

The Govt Advocate, The Secy to Govt, The Secy
of the Magistrate of the Registrar Genl Court & the Secy
of Depts.

CP P 4400-65 of 1925

Passed orders amending the Rules
relating to the Conduct of Legal Affairs of
Govt issued in CP P 4966-5045 of
18/19-3-24

B170

76-23-1

Feb 31/3/25

GENERAL AND REVENUE SECRETARIAT.

(65)

NOTES.

File No.

FILE HEADING.

Status of the Govt Advocate re,
Law Department Rules.

From

The Govt Advocate

No. 856

Dated 24.6.24

Received 1.7.24.

Diary No. 12

Enclos.

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that go. no P 4966-5045/CS 76-23-1 of 10/19.3.1924
passing orders re the conduct of legal affairs of Govt, require
reconsideration as regards the status and emoluments of the
Government Advocate.

NOTES AND ORDERS.

① orders of the First members made P. W.D.

Maybe noted upon in the judicial Branch and
submitted early.

Ind. note

28/6.

General and Revenue
Secretariat

CS File No. 19 of 1924-5

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(2)

Put into the original file CS 76-23
(Nos 1 to 13) passing orders re the
~~control~~ conduct of legal affairs of Govt

(3)

The rules of the Central Provinces have
been followed in Mysore where the
Secretary to Govt Legislative Department
is the Chief Law Officer. There is no
separate Government Solicitor in
Central Provinces. ~~These~~ the conditions
in C.P.
~~these~~ equally apply to the conditions in
Mysore.

(4)

The Govt Advocate has raised
3 points ~~which~~ which require reconsideration
1. His status. Before the passing of the
rules for the conduct of legal affairs of
Govt, the Govt Advocate was the sole
Law Officer, who gave opinion and who
conducted cases on behalf of Government.
His status ~~is~~ that of a District Judge.
According to the present rules, he
has to conduct cases on behalf of
Govt. and he ~~has~~ ^{is} not give any
opinion which has been delegated to
the Secretary to Govt Local and
Legislature departments.

(5)

He was directly subordinate to
Govt. According to Rule 13, as the

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Secy Local and Legislative Department
has got power to visit ~~any~~ ^{the} Office of
Law Officers of Govt. for the purpose of
inspecting & supervising the work of the
Law Officers or the conduct of any civil
and criminal litigation on behalf of
Government. This he regards
perhaps as ^{being} subordinate to the Secretary
Officers. It is respectfully submitted
that ^{though} the Secretary Local and Legislative Dep.
is a District Judge yet as ^a ~~the~~ ^{an} ~~office~~ ^{office} Secy
Govt. is more than a District Judge.

It is not known what objection there is
in empowering the Secretary to inspect
and supervise the work of the Law Officers of
Govt. (Govt. Advocate and Public Prosec.
In fact Govt. wanted to exercise a
control over their litigation and have
made the Secy Govt. Legislative Dept.
the Chief Controlling authority. The
Govt. Advocate as before will be to
conduct cases in the Chief Court and
in the Sessions Courts also in important
cases.

(1) The Rule (Rule 3) as originally
framed did not contain the words 'to

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work of the Law officers' but it has been ordered to be kept on perhaps with a view to give power to Govt. to control the progress etc of Litigation. It is ^{from} these words it seems that the Govt Advocate thinks that he is made subordinate to a Secretariat Officer.

(7) The Govt Advocate cannot raise any objection to government creating any office for its own convenience. Since he is subordinate to Govt. he cannot question the acts of Government in delegating these powers to the Govt's own officers.

(8) Emoluments. Rule 35 (1) lays down that the Govt Advocate is not entitled to ^{any fees for} ~~fees~~ rendered in civil and miscellaneous cases by the Chief Court. Hitherto he was getting fees. ^{perhaps} In view of the fact that he does not now do the opinion work, unless specially ordered by Govt. he is not given any fees. (See page 22. Govt. member's brief note for the file).

(9) Rule 28 lays down that the Govt Advocate is debarred from taking any criminal work whether from private persons. Criminal work here perhaps means only such cases where Govt. is

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a party or where public interests are involved), though strictly construed, even proceedings for defamation or under section 145 Cr.P.C. came under criminal work, perhaps it is not the intention of Govt. to deter him from taking such cases.

(10) Rule 34, Q1 (a). The fees prescribed follow the rates fixed in the Adg. O. of 1904. The fees have not been revised. In suitable cases, special fees have been allowed. It is a point for consideration whether any further revision is required now.

As regards the constitution of Govt Advocate that the legal adviser should be an independent legal practitioner of standing and experience, it is submitted that it is the intention of Govt. to create a Law Officer who will be directly responsible to Govt and who will be in charge of Govt litigation. In important cases, the Govt Advocate who is an independent legal practitioner is also consulted.

held for orders

It will be seen that the above has raised the

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NOTE—Contn. sheet.

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following points as affecting his position, status, emoluments and work: viz

(13) 1. The combined effect of Rules 2, 7 & 13 ^{of these Rules} reduce the position of the S. A. from being the chief law officer of Govt to the position of a subordinate to the Secretary.

(14) On this point, the S. A. concedes that for the purpose of fixing the duties and responsibilities of the law officers of the State and for controlling their work, the necessity for the Govt for making the rules and for creating a Secretariat for coordination of the work. But he objects to his relegating the S. A. to the position of a subordinate officer and to the vesting of in the chief law officer the powers of supervision over the S. A.'s work.

(15) In this connection he can draw attention to the position of the Advocate General of Madras & Bombay who are independent of the legal Remunbrances, and the Govt Advocate in the Central Provinces where also the S. A. is independent of the legal Remunbrances & ^{the} legal Remunbrances only the Public Prosecutors.

(16) The S. A. has omitted to note Rule 14 which lays down that the control rests in the Govt. With regard to his grievance, ^{that} the chief law officer's power of supervision relegates him to a subordinate position: the object of the Govt in framing these rules necessitates the creation of one officer ~~for this purpose~~ making him solely

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responsible to the Govt. The action of General
officers each ^{independant} ~~independant~~ of the others ~~and~~ would
relegate things to the old order. The rules
do not seem to affect the S. A. status.

(17) 2. The next point he raises is that
under Rule 35
he is deprived of the fees for conducting civil
& miscellaneous cases in the Chief Court.

This is probably due to the fact that much of
his opinion work - which is considerable -
was taken out of his hands & is being done by
the S. A. In spite of the increasing work
the S. A. remuneration ^{has been} ~~was~~ continued.

(18) 3. The 3rd point is that he is debarred
under R.S.
from taking up criminal cases ~~then~~ in
which Govt. is not a party & in which public
interests are not involved. The proceedings
under Sec 145 Cr. Pro. Code are affecting the
peace of the country & so the public &
Govt. are interested in them.

(19) 4. The 4th point is that the scale of fees
paid as compared with the ^{of} ~~the~~ provinces
is very low. The Govt. have however discretion
to award higher fees in cases deserving cases.

(20) All these points were discussed before
the framing of the rules. Vide the notes of the
member.

S. A.

19/8

in the regard to the S. A.
Criminal cases also the
Case may come up before
the Chief Court by way of
Reference or Revision
in which the S. A. may have
to appear.

3 boxes are put up

15

The Chief

I have a personal discussion with
the Chief. He wants the statistics
with regard to the number of cases in
- in appeal & Revision in which the govt Advocate
appeared in the Chief Court.

The information is not available
in the Branch concerned.

There is one other point with regard
to the relative positions of the govt Advocate
and the Chief, which should be noted.

Our rules ~~under~~ which are based on
the legal affairs of govt were based on
the rules of the Central Provinces.

Rule 17 of the Central Provinces Rules
lays down that the govt Advocate with
discharge his duties, under the control
of the legal Remembrances who is ~~the~~
under Rule 2. is the Chief Law Officer of
the Administration.

Chief -

28
2/9

As The questions raised by G. A. involve
the consideration of the amount of work
he is now doing, the following information
may be called for from him:-

- i. The no. of criminal appeals in which
he has appeared ^{before the ch. J.} during the year 1923-24.
- ii. The no. of revision cases ^{& his appts.} in which he
was asked by Govt. Chief Court to appear
in 1923-24.
- iii. The no. of civil appeals falling under rule 22
in which he has appeared in 1923-24 -

28-9
2/9

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(25)

Put into a draft
25.11.24

(26)

due
25.11.24

2

To the Regr. Chief Const

No P. 1598 of 25.9.24.

Requests to furnish certain information
re the no. of cases in which the
Court Advocate appeared in the Chief
Court.

memo no P. 1599 of 25.9.24 to Chief Const. &
Advocate with the request that the in-
formation available in his office
may be furnished immediately.

Done

3

Re Regr. Chief Const. letter no 22 of 4.10.24

4

a Court Advocate letter no 315 of 3.10.24.

Furnishes the information called for

(27)

The figures furnished by the Chief Const
and the Court Advocate both agree.

During the year 1923-24, the number of

cases in which Court Advocate is as follows:

Criminal appeals - 55	Criminal appeals - 8
(Correction)	
Appeals against acquittal - 8	Petitions - 49
Refered cases under section 374 - 6	Cases - 20
<u>69</u>	<u>77</u>

Civil appeals

I + II appeals - 12

Civil Refd cases - 7

Civil Petitions - 2

Civil Prosecutions - 2

mis - 1

195

~~There are~~ In roughly 69 regular criminal
appeals and 77 mis appeals, the
Govt Advocate has appeared in the
Chief court during the year 1923-4.

Taking roughly that the regular
criminal appeals took a day each
case, then the G. A. has appeared on
69 days and the criminal appeals
were disposed of at the rate of 2 appeals
each day, the Govt Advocate has
appeared in miscellaneous cases
for 39 days. In the whole

year he has appeared $69 + 39 =$
108 days before the Chief court

At the rate of Rs 25/- per day
as per rule 35(2) as of the rules
his remuneration comes to

$108 \times 25 =$ Rs 2700 per annum.
This divided by 12 his remuneration
for each month comes to Rs 225/-.

But his salary is fixed at Rs 600-50-700.
Besides he has not got done on work
before. In the civil cases, he would
have claimed fees separately.

11/2/24

deputy

18/2/24

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29

From the figures furnished by the Chief Clerk the Govt Advocate has appeared in 24 cases out of which one case relates to court fees for which he will get fees under rule 23. Hence he has appeared in 23 cases before the Chief Clerk for which he could not claim any fees under Rule 22 of the Rules for the conduct of Govt cases.

Out of these 23 cases, 11 cases are regular cases and 12 petitions, referred cases and miscellaneous cases. Assuming that each regular case took a day for disposal and miscellaneous and other cases were disposed of at the rate of 2 per day, the Govt Advocate has worked appeared on the whole for $11 + 12 \div 2 = 11 + 6 = 17$ days. As previously noted for Criminal Cases he has appeared for 108 days. For both civil and criminal cases he has appeared for 128 days. At the rate of Rs 28/- per day his remuneration comes to $128 \times 28 =$ Rs 3584 per annum or Rs 298.66 per month approximately. This pay has been fixed at Rs 600-50-700.

(30) From the half yearly statement of statistics of business done, the Govt Advocate has appeared in 99 + 78 including judicial references. His fees at Rs 177. At the rate of Rs 25/- per day assuming that each case was disposed of in a day his remuneration is $177 \times 25 = 4425 =$ Rs 369/- per month approximately.

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18 File No. 19

of 19 Jan

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For 12 months the S. A. has received
 $12 \times 700 = \text{Rs } 8400$. He has conducted
 177 cases according to his figures with
 the remuneration for each case works out
 to $8400 \div 177 = \text{Rs } 47-12-0$. This
 includes, easy and difficult cases.

1.4.20

18
1.4.2018
1.4.2018
1.4.2020
31/10

The Govt Adv. contends that he is entitled
 to separate remuneration for services
 rendered in civil & miscellaneous cases
 before the Chief Court.

This question was considered &
 decided that in lieu of the ~~work of~~
 opinions which G. A. was given hitherto to
 which is now made the part of the
 duty of L. H. Secy, he should be assigned
 the duty of appearing in all civil cases
 before the Chief Court. [vide Final note of
 1st March 1922]

The Statistics collected reveal the
 fact that the remuneration ~~for each~~
 case works out at $\text{Rs } 47-12-0$ ^{at an average} for
 each case. Having regard to the
 nature of cases ^{arising in Mysore.} & to the points involved
 in each & to the fees charged by local
 advocates, I am bound to say that the
 sum of $\text{Rs } 47-12-0$ per case
 is more than adequate.

Govt have recently
 sanctioned Rs 50
 as day fees in the
 legislative cases

Please refer to

also refer to
 vide G.O. File 192-24-6
 30/10

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34 Ordinarily Chief Court allows Rs.16/- per day for appearance of Advocates though the minimum is Rs.10 and as such the payment of Rs.47-12-0 on an average per case which does not occupy more than a day in Chief Court is rather excessive.

35 The analogy of fees fixed for Legal Practitioners in High Courts in British India and Government Advocate in Judicial Commissioner's Court, Central Provinces and on which Government Advocate relies is not a good guide and has no application to local conditions. Here the pay of puisne judges of Chief Court is only Rs.1500 and that of the Chief Judge is Rs.2,000, whereas the pay of High Court Judges is Rs.4000 and that of Chief Judge is Rs.5,000. Hence there is no substance in his contention.

36 Second point.--As the rules in force before the present rules were framed enforced the appearance of Government Advocate, to support convictions in all appeals and revision cases before the Chief Court and appear in connection with all applications made to it for transfer, the result is that he was debarred from accepting any private engagement in criminal cases. (Vide G.O. dated 16th March 1904 para 3). Hence the new rule 28 made no departure from the old practice.

37 As regards the third point (scale of fees), I have already stated that the conditions in British India should not be taken into consideration in fixing the scale of fees. ^{in Mysore} Government Advocate claims Rs.75 and Rs.25 per day instead of Rs.25 and Rs.5 now fixed under Rule 35(2)(a).

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The scale of fees fixed by the present rules is the same as those fixed in G.O. of 16th March 1904 and no new departure has been made. Government Advocate has not complained of the inadequacy of the fees before the new rules were framed. He accepted the offer fully knowing the conditions. He claims higher rate on the sole ground that the Advocate General is paid more in British India.

The scale of fees in British India is fixed having regard to the superior qualification of, and the quality of work expected from, an Advocate General who is recognised to be a leader of the Bar in High Court and ⁱⁿ generally a person of exceptional merit commanding a very lucrative practice. In Mysore the scale is fixed according to the qualification of, and to the nature of work expected from, a Government Advocate.

~~It~~ is unnecessary for obvious reasons to make any comparison between the Advocate General of the Chartered High Court, and that of ^a Government Advocate of the Chief Court of Mysore. There are decent Advocates who are readily willing to accept Rs.25 a day. Hence Government Advocate's contention to fix

Rs.75 per day cannot perhaps be allowed as a general rule. There is provision for paying special fees in exceptional cases of importance.

Turning now to the grounds urged in his Memo. presented to the Dewan on 31st instant, it is to be noted that he has taken a new ground that is not covered in his application.

(1) Term.--He says that his term was not limited to any period when he was appointed. He says that the rule of 3 years should not be applied to him.

In the first place it is not stated anywhere ^{B20} he should continue indefinitely. The usual prac-

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practice is to appoint Government Advocate for a period of 3 years just as Public Prosecutors. On principle, it is neither expedient nor desirable for Government to commit themselves to a policy of continuing Government Advocate for an indefinite period. The law is a zealous mistress and claims undivided attention from its devotees. Unless a person is abreast with the times and keeps himself in close touch with the current phases of law he cannot do justice to the work. When an advocate is appointed for an indefinite period, the effect is that it takes away the incentive for improvement and fear of transferring his work to another.

44) The Government will lose its freedom of entrusting its work to any person in whom they have absolute confidence. Hence there is no valid reason for not applying the Rule 18 ^{to this case}

45) Ground No. 2. -- There may be instances in which Government Advocate may depute any assistant of his to appear for him in important cases in which the Government are interested. There ^{also} may be instances in which he may not safeguard the interest of Government in the conduct of cases either through carelessness, ignorance or from any cause whatsoever. If salient points are not brought to the notice of the presiding judges there may be miscarriage of justice and the interest of Government jeopardised. In ordinary cases the client watches the conduct of his advocate in court. In a similar manner the

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the Government should have some responsible agency to control and watch its Advocate's work. Hence it is that a Law Department is organised and that the Local and Legislative Secretary is made the Chief Law Officer of Government ~~to~~ exercising control over the entire business of the Law Department and that he is made responsible for giving legal advice to Government for the proper conduct of cases by law officers (Vide Final Note of 1st Member page 21). His duties were accordingly fixed. The object of Government in urging grounds Nos. 2 and 3 is apparent. He intends to be independent of any control by Government through its agency.

The question is whether Government Advocate should be made Chief Law Officer independent of any control. The Government have thought it fit to make its paid servant responsible to Government for legal advice and for the proper conduct of cases by law officers. The principle underlying the policy of appointing Legal Remembrancer who is generally a First Grade District Judge in Bombay, seems to be to make a salaried servant of Government responsible to Government in these matters perhaps on the ground that ~~xxxxxxx~~ he has such sufficient stake in service as not to mislead Government or to jeopardise the interest of Government. This policy seems to have been approved in framing the rules. There is much to be said in favour of this policy. It may be dangerous to allow Government Advocate to conduct cases without any fear of being controlled by Government through its agency. I am not aware of any legal practitioner raising objections to his client watching the conduct of his case with a view to safeguard his interest by insisting if necessary on *and*

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~~making~~ urging all relevant points for consideration ^{of the facts} and place all relevant evidence before a Court of law.

47) Rule 13 authorises the Secretary to inspect any place for supervising the conduct of any Civil or Criminal litigation on behalf of Government. This is a salutary provision enabling the Secretary to visit the Court and watch the proceedings and if necessary to instruct Government Advocate or Public Prosecutor to conduct the case. This provision is to be found in Bombay rules. Why should a law officer feel offended if there is a provision enabling the Government to control his work through its officers? If the Secretary is made responsible to Government he should have necessary power to watch the proceedings of the law officers. It is easy to imagine a ^{Sensational} ~~sensitive~~ case like Sivasamudram defalcation case conducted by Government Advocate ^{which} when 'by carelessness or otherwise, he ^{may} omits to file documents in time or fails to elicit certain points in Chief or Re-examination. If the facts come to the knowledge of the Secretary, he may go to the Court and instruct Government Advocate to see it ~~properly~~ conducted properly. Surely a member of Government cannot be expected to do this. Hence the provision is necessary.

48 Grounds Nos. 4 and 5 have already been noted upon.

NOTE—Contn. sheet.

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of 1944-5

General and Revenue
Secretariat

Go. no J1760-71/CS 321-05-6 d) 22.12.06
fixes the term of public prosecutors for 3 years.

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There is no general order fixing the term of Govt
Advocate for 3 years but the appointment of the
office is made for 3 years at a time.

h. 1

(h. Secy)

28
7/11Am
7/11

The h. & h. Secy orders that the files
relating to the appointment of memos⁽¹⁾ Re. N.

Syengar and⁽²⁾ Shankaradasa apana has
as Govt. Advocates may be put. This
may therefore be sent to C.B. for putting
up these files.

8/11/24 To the Supdt, Caryl Pr, with Camp 15.

Am
8/11
contl. collections nos. (11) 122 (C.B. 275-20)

and 181 (C.B. 141-21) are put up in a
sealed cover addressed to Secy & Secy by name.

Signed.

Am
10.11.24

Protection.

To The Supdt, ~~Govt.~~ Binnu with compliance.

Subd

Am
10/11

(h. Secy)

28
10/11

In the Fine Submission note of the.

Vinayak, on 5.5.1914 (File 7/19 P), it is
stated as follows: - 'It is doubtless to the
advantage of the appointment to change
officers at periodical intervals, so that every
competent Advocate in front of the profession
may have a chance.'

B20

Acting on this principle the C.S. Doraswamy
Iyer was appointed for 3 years & re-appointed for a further term of

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4011

There is not much substance in the contention that Mr. Advocate under his rules his position and status that Mr. Advocate is not altered. He was never his Chief Law Officer of Govt. and no where his position has been defined as such. Before his appointment as L & L Secretary, his position was being asked for in all legal points arising in the course of administration and this duty has not been transferred to his L & L Secretary. ~~Therefore~~ The L & L Secretary has no doubt been described as his Chief Law Officer of Govt. But it was not intended to constitute him as the head of his L & L Dept. and no powers of control have been granted therein. The view is true that misleading - there is no harm I think in deleting rule 2 -

Suppl

(1) Rule 7 too may also be amended. It is too much to say that L & L Secretary is primarily responsible for the conduct of all such cases. The cases go to the Chief Law Officer and conduct a case. The rule may be amended as follows "In matters connected with civil justice, the Secretary be Govt. Secy. Law Dept. will make suitable arrangements for the conduct of all such cases" -

I don't think this is suitable

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No.This is
to be
confirmed

(22) The Department of the Post-Office to rule
13 that the Legislative Secretary has been
empowered to visit Courts & supervise the
work of the Court officers is not a suitable
supervision if it is really expected is absolutely
necessary -

As regards the representation of the
Post-Office, the scale of fees now allowed is
the same as was in force before the passing
of the present rules. The Post-Office has
not compared the scale of fees with that allowed
the Post-Office, General Madras for as pointed
out by the L. & S. Secretary, the scale of fees
is entirely different from that obtained in
Madras or in any other ^{Indian} Province. There
are some points in the representation
which deserve favorable consideration.
He has been directed to attend all civil proceedings before
the Chief Court free of charge (rule 22) and the
rule 28, he is debarred from appearing in
civil suits in all proceedings before the
Court. This is a heavy sacrifice which
he is called upon to make. It is no doubt
that as a set-off against this, he has
secured the duty of giving opinion
in legal matters arising in cases of

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No.

Administration of several dept. - Pres. Union
is no comparison between the two kinds
of work. The post. Roadwork was having
worked around the building of civil work
and the relief was needed as much in the
interest of post. work as in the interest of the
health of the post. Roadwork himself. More-
over ruin against the post. are the most paying
of all kinds of civil work and the loss of
recreation from that source leaves
no comparison when relief he has obtained
I think he should paid for the civil
work when relief comes in the same
way & as he was being paid before
present rules came into force. As
mile 35, may be so accounted as to make
mile 22 in the comparison.

In appearance in ex cases, he
allotted a fee of Rs 25 per diem. I
think this is too low - He may be given Rs 50
per diem ~~for~~ for his conduct & his case
& Rs 10 per diem for appearance for ^{an} ~~his~~
This is less than what has been allotted to
in some of his recent cases - Mr.
has been paid much more in some cases.

2 Special importance. —

65/B ymsd luteran;

Mei, bei Mei 3 mal nile

5. a whole sum

Guaranteed

23/11

NOTE—Contn. sheet.

They are a

new sample

Всего 2,5 км

23

23

1606/24

G. R. S. III-2]

WD 2310-GPP-10,000-31-5-24

General and Revenue
Secretariat

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in memo 3/ has taken
Collection cl 179 of 13
102 & (2) Confidential
122. Re W.R. V. Zengor
for Ch. Secy's reference
2/3-12

Swan

8/24-11

Please see map remarks
being of rules. revised
across the minute-
clear my suggestions
at a my 4/2

11/11

8 members)

4/12

8/28/11

45-23
3.12.24

45
4/11

Put into a statement showing the rules
as amended by the members with the remarks of the
Swan

5/12/24
Am
6/12

Ch Secy -
Chief Secy
with copies

inculcate
9/12

65

26
6/12

8/12
16/8/12

242
C.P.

Extract from the Proceedings of the.....723rd.....Meeting of the Council of His
Highness the Maharaja, held at Bangalore on the.....15th.....January.....1925.~~19~~

136. Subject. - Clause xii of the schedule.

Revision of the rules relating to the conduct of
legal affairs of Government.

OPINION OF THE COUNCIL.

The proposals in the First Member's minute may be
accepted with the following modifications.

The question of raising the existing scale of fees
may be separately considered.

Rule 13 may be modified so as to read as follows:--

"The Secretary, Local & Legislative Departments,
may attend Courts for the purpose of watching
the conduct of any case, Civil or Criminal, on
behalf of Government".

(Signed) A. R. BANERJI,

Dewan of Mysore.

"EXTRACT"

Subd to 1st Member for final note

S. N. Subd Dewan 5-856
21/1

Chief Secretary to Government.

*S. N. Subd
Dewan*

WD 1471-GPB-2,000-1-3-21

Final Note of the Member is placed
in the file.
24/1 *S. N. Subd Dewan*

17.1.25

Final Note by the First Member of Council.

Subject:—

Revision of the Rules relating to the conduct of
Legal Affairs of Government.

Y
M With reference to the Rules for the conduct of the legal affairs of Government approved by His Highness the Maharaja and issued in Government Order No. P. 4966-5045-Cts. 76-23-12 dated 19th March 1924, the Government Advocate has represented that the new Rules have prejudicially affected his status, independence and emoluments, and requested a reconsideration of the said order with reference to the following points - raised by him:-

(i) The new rules have reduced the position of the Government Advocate from being the Chief Law Officer of Government to that of a Subordinate of a Secretariat Officer.

(ii) Under the new rules he is deprived of the fees for conducting Civil and Miscellaneous cases in the Chief Court and he is also debarred from taking up Criminal cases in which Government is not a party and public interests are not involved.

(iii) The scale of fees fixed for his remuneration in cases in which he is entitled to fees is very low, as compared with those of the British Indian Provinces.

(iv) Rule 18 (2) limits^{ing} the period of appointment to 3 years is not applicable to him, since no time limit was fixed when he was appointed.

The Local and Legislative Secretary discussed the several points in his note dated 1st November 1924 and argued that the rules as framed were quite justified, having regard to the work turned out by the Government Advocate and the safeguards necessary for protecting Government interests.

When the papers were submitted to me, I recorded the following

minute:-

Pages 20 to 22

Office Notes

"There is not much substance in the contention of the Government Advocate. Under the rules the position and status of the Government Advocate is not altered. He was never the Chief Law Officer of Government and nowhere his position has been defined as such. Before the appointment of Local and Legislative Secretary, his opinion was being asked for on all legal points arising in the course of administration and this duty has now been transferred to the Local and Legislative Secretary. The Local and Legislative Secretary has no doubt been described as the Chief Law Officer of the Government. But it was not intended to constitute him as the Head of the Law Department and no powers of control have been granted to him. The term is somewhat misleading. There is no harm I think in deleting rule 2.

" Rule 7 too may also be amended. It is too much to say that the Local and Legislative Secretary is primarily responsible for the conduct of all suits ~~and~~ etc... He can't go to a Court of law and conduct a case. The rule may be amended as follows :-

' In matters connected with Civil Justice, the Secretary to Government, Local and Legislative Department, will be responsible to Government to see that suitable arrangements for the conduct of all suits &c. are made. '

The objection of the Government Advocate to rule 13 that the Legislative Secretary has been empowered to visit Courts and supervise the work of the law officers is not reasonable. Such supervision, if it is really effected, is absolutely necessary.

As regards the remuneration of Government Advocate, the scale of fees now allowed him is the same as was in force before the passing of the present rules. The Government Advocate cannot compare his scale of fees with that allowed to the Advocate-General, Madras, for as pointed out by the Local and Legislative Secretary, the state of ~~the~~ ^{here} is entirely different from that obtaining in Madras or in any other

British Indian Province. However there ^{are} some points in his representation which deserve favourable consideration. He has to conduct all Civil Proceedings before Chief Court free of charge (Rule 22) and under Rule 28 he is debarred from appearing on the Civil Side in all proceedings to which Government is a party. This is a heavy sacrifice which he is called upon to undertake. It is no doubt ^{true} that as a set off - against this, he has been relieved of the duty of giving opinion on legal matters arising in course of the administration of several departments. But there is no comparison between the two kinds of work. The Government Advocate was heavily worked without this addition of Civil work and the relief was needed as much in the interests of Government work as in the interests of the health of Government Advocate himself. Moreover suits against the Government are the most paying of all kinds of Civil work and the loss of remuneration from that source bears no comparison to the relief he has obtained. I think he should be paid for the Civil work in the Chief Court in the same way as he was being paid before the present rules came into force. Rule 35 may be so amended as to include rule 22 in the exceptions.

" For appearance in Criminal Cases, he is allowed a fee of Rs.25 per diem. I think this is too low. He may be given Rs. 50 per diem for the conduct of the case and Rs. 10 per diem for appearance for an adjournment .. This is the rate that has been allowed to him in some of the recent cases. But he has been paid much more in some cases of special importance. "

" As regards the term of office, the three-year rule is a wholesome one and should be enforced."

The Dewan agreed with me except in regard to the wording of Rules 7 and 13 and the fixing of the term of the Government Advocate.

The matter was considered at the meeting of the Council held on 15th January 1925 and the following resolution was passed:-

Page 24 of
Office notes

" The proposals in the First Member's minute may be accepted with the following modifications.

" The question of raising the existing scale of fees may be separately considered.

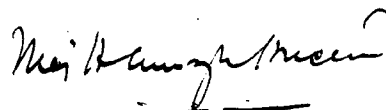
" Rule 13 may be modified so as to read as follows:-

" The Secretary, Local and Legislative Departments, may attend Courts for the purpose of watching the conduct of - any case, Civil or Criminal, on behalf of Government ".

The resolution of the Council may be graciously approved.

Bangalore,

20th January 1925.



MEMBER OF COUNCIL.

29
Submitted to His Highness.

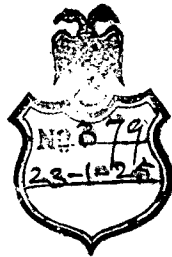
*I submit herewith a Final Note by the.....First.....
Member of Council on the subject of.....Revision of the
Rules relating to the conduct of Legal Affairs of
Government.....
for His Highness' gracious approval.*

CG
23 JAN 1925
Dewan.

1/22

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



Revision of the Rules relating -
to the conduct of Legal Affairs of -
Government.

491

Order.

KRM

2/2/25

Secy LL
d & d Secy

Bio.

Ed.

PSD

3-2-25

m

(For Disposal at a Meeting)

No. C. 192

9 194-23

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the schedule)

Revision of the rules relating to the conduct of the
legal affairs of Government.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

W. A. S.

2th December 1924.

Chief Secretary to Government.

Extraordinary Member of Council.

First Member of Council.

(Seen)

307/10.12 Second Member of Council.

Third Member of Council.

R. S. III-2]

General and Revenue
Secretariat.

File No.

of 192.

C192.

Serial
No.

Revision of the Rules relating
to the Conduct of legal affairs
of Government.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

His Highness' orders before ~~after~~ issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

P. Ramaswami

Chief Secretary to Govt.

Through the Secretary to Government,

L. K. R. Department 5,

8/1
3.2
R
5.2
2
3.2

FIRST MEMBER OF COUNCIL.

hm
5/2
6/2

SECOND MEMBER OF COUNCIL.

2/7

THIRD MEMBER OF COUNCIL.

Secy, L. K. R., with Compt.

NOTE—Contn. sheet.

Mono WD 1335—GPB—500—16.1.23.

hm
7.2.25
Dr
6/1

Serial
No.

Intro with a draft

BSK

9/21/25

dhleg

28
13/2

affd

88

14-2

me

28
14-2

5

To the Clerk Advocate

" Secys to Clerk

" Dirs. of Dpts.

" Dms. of Dpts.

" Mgrs. Relief Court

" Heads of Dpts.

No P. 4400-65 of 14-2-25

Passes orders amending the rules relating
to the conduct of legal affairs of Govt

issued in L.O. no P 4966-5045 / dt 76-23-1

of 18/9-3-24.

for B1 bill
for 200-14
for 200-14

28/2

B. 10/20/24

B

28/2

No. 856

Confidential.

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Dated Bangalore.....24th June...1924....192..

CL- 12-26-

FROM

K. SHANKARANARAYANA RAO, Esq., M.A., B.L.,
~~Govt~~ Government Advocate in Mysore,
 BANGALORE.

To

K. MATTHAN, Esquire., M.A.,
 Chief Secretary to the Government of
 His Highness the Maharaja of Mysore,
 BANGALORE.

L & L Secy
 can't be
 SIR,
 24/6/24

With reference to Government Order No. P 4966-5045/

Cts.76-23-1, dated the 10th/19th March 1924, passing orders

in regard to the conduct of the legal affairs of Government,

I have the honor to state that the order and the rules ap-

ended thereto appear to me to require reconsideration, in

so far as they affect the present position, status and emolu-

ments of the Government Advocate.

The order purports to constitute the Local and Legis-
 lative Secretary the Chief Law Officer of Government, and the
 rules relegate the Government Advocate to a position of sub-
 ordination to that Secretary.

The office of Government Advocate was created several
 decades ago and he has always been the Chief Legal Adviser -
 of Government.

It may not be out of place to mention in this connect-
 ion, that the duties performed by the Government Advocate -
 here, in Mysore, are distributed among several Law Officers -
 in British India, viz.,

- (1) THE ADVOCATE GENERAL (who gives opinions in import-
 ant matters specially referred to him by Govern-
 ment and appears in cases in which he is special-
 ly asked by Government.
- (2) THE PUBLIC PROSECUTOR, for appearances in High Court,
 (Criminal Appeals etc.,)

2.

(3) THE GOVERNMENT SOLICITOR, (drafting and examining Deeds for Government);

and all these officers receive separate remuneration for each item of work done, in addition to their monthly retainer.

According to the order under reference, (which, it may be observed, was passed without consulting the Government Advocate), a Secretary to Government is constituted the Chief Law Officer; he is also made "primarily responsible for the conduct of all suits, appeals and proceedings affecting Government", and in addition he is empowered (Vide: Rule 13) "at any time to visit any place for the purpose of inspecting or supervising the work of the Law Officers, or the conduct of any Civil and criminal litigation on behalf of Government". The combined operation of these rules - reduce the Government Advocate from being the Chief Legal - Advisor and Chief Law Officer of Government, to the position of a subordinate of a Secretariat Officer.

The object of the Government in passing the order - under reference, as I gather from the preamble to the order, was to define the duties of its Law Officers and to fix the responsibility for the institution of suit and appeals on certain officers, to provide for the submission of certain returns to Government to show the progress of the legal work done on behalf of Government, and to otherwise safeguard their interests by reorganising the existing machinery entrusted - with the conduct of legal affairs, in view of the anticipated increase in Civil litigation owing to the passing of the new Regulation providing for suits against Government. It may be, that for the co-ordination of all legal work and for more effectively watching the progress of work and to advise

Government

Government in all routine matters, as is done in British India, it was found necessary to have a separate Secretary to assist Government in achieving the above objects, - just as they have separate Secretaries for other Departments for which there are separate Heads; but there is no necessity on this account to constitute this Secretary the head of the Legal Department, giving him powers of superintendence and inspection over the Government Advocate, (who does the combined duties of the Advocate - General, the Government Solicitor and the Public Prosecutor for the High Court) ^{thereby} ~~thus~~ seriously affecting his position and status as the real Legal Adviser of Government.

In Bombay, as in Madras, the Advocate General is the Chief Legal Adviser of Government and the Legal Remembrancer comes below the Advocate General and the Government Solicitor, who is also Public Prosecutor for Bombay; and his powers of superintendence are confined to the Public Prosecutors in the moffusil.

In some of the minor provinces of British India, as for example, the Central Provinces, there is a separate Law Department presided over by the Legal Remembrancer, who is described as the Chief Law Officer; but his powers of supervision and inspection are confined - only to the Public Prosecutor Staff (in the moffusil) - and have no reference to the Government Advocate. The latter officer is recognised as the Executive Officer of the Law Department and his position is ~~the~~ independent of that of the Legal Remembrancer and in some respects even superior. Thus, while the Legal Remembrancer is ex-officio Public Prosecutor for the Province in the Subordinate Courts only, i.e., in all cases except those before

before the Judicial Commissioner's Court, the Government Advocate is the Public Prosecutor for the highest Judicial Tribunal in the Province. And again, the Legal Remembrancer has himself to instruct the Government Advocate in all Criminal Appeals, Revision Petitions etc., before the Court of the Judicial Commissioner.

It has also to be remembered that the positions occupied by the Legal Remembrancer and the Government Advocate and the duties assigned to them respectively, have been fixed from the very commencement, since the Law Department was constituted, and besides, the Government Advocate there, has never been the Legal Adviser to Government, having only to conduct cases on behalf of Government.

But, in Mysore, the conditions are entirely different. ^{as in Madras and Bombay,} Here, the Government Advocate has always been the Chief Legal Adviser to Government. That being so, there seems no reason why he should now be reduced to the position of a subordinate of one of the Secretaries to Government. I am sure that that could never have been the intention of Government, though the rules and the order as now promulgated might - lead to such an inference.

There are at least three other matters in which the Rules prejudicially affect the Government Advocate. The first is Rule 35 which lays down that he is not entitled to separate remuneration for services rendered in Civil and - Miscellaneous cases before the Chief Court for which he is entitled to, and has always received, separate remuneration. It may be noted in this connection that even in the Central Provinces, the Government Advocate gets separate remuneration, not only for all Civil and Miscellaneous work in all

courts



5.

Courts (over and above his retaining fee of Rs. 1,000/- a month), but is also entitled to fees at Rs. 75/- for the first case and Rs. 45/- for every additional case a day, even in Criminal cases, and Rs. 150/- a day in other Criminal courts, the daily remuneration of the Advocate-General in Bombay being ordinarily Rs. 150/- per day in addition to his monthly salary of Rs. 2,000/-. Furthermore, Advocate's fee is always allowed by the Chief Court in all Civil and Miscellaneous cases, and there is no reason why the Government Advocate should be deprived of the fee which the Court awards in all such cases.

The second is Rule 28, which lays down that he is debarred from taking any criminal work whatever from private persons. It is no doubt true that he should be precluded from accepting engagements from private persons in Criminal cases in which Government is a party or in cases which are non-bailable and non-compoundable or in which the public interests are involved. But there is no reason why he should be debarred from accepting work of a purely private nature, such as a case of defamation or proceedings under section 145 of the Code of Criminal Procedure relating to disputes regarding immoveable property in which Government or public interests are not at all affected, either directly or indirectly.

The third is Rule 34 (2) (a) which fixes the ordinary scale of fee at Rs. 25/- for a day's attendance and Rs. 5/- for appearance when a case is adjourned. This scale was fixed several years ago and is quite inadequate. In almost every instance, the insufficiency of the fee has been recognised by Government and a much higher daily fee is being allowed.

In

6.

In Bombay, for similar work the Advocate General is entitled to a fee of Rs. 150/- per diem for each hearing and Rs. 60/- even for an ex-parte application. In Madras and Calcutta, I understand it is much higher. In the Central Provinces, the fee in Criminal cases is Rs. 150/- for each appearance in Court, other than the Judicial Commissioner's Court.

I would, therefore, request that the ordinary scale now sanctioned may be revised, to bring it more in conformity with established practice and to make it consistent with the dignity of the office, substituting at least Rs. 75/- and Rs. 25/- respectively for the Rs. 25/- and Rs. 5/- now fixed under rule 35 (2) (a).

The new Secretary may, if Government so desire, continue to watch the progress of all litigation in which Government are interested and to protect the interests of Government by getting timely instructions issued to the several Heads of Departments concerned or the Law Officers in immediate charge of the work from time to time, by calling for returns etc., But these objects can be secured by placing him in the same position as that of any other Secretary to Government who has also similar functions to discharge, without however, interfering with the responsible position of the Heads of the Departments concerned.

As for the function of giving legal advice and opinions to Government, I have only to point out that it is a well recognised principle in all countries that the Legal Adviser to Government should not be ^{an} officer who happens to be one of its subordinates, but should be an independent

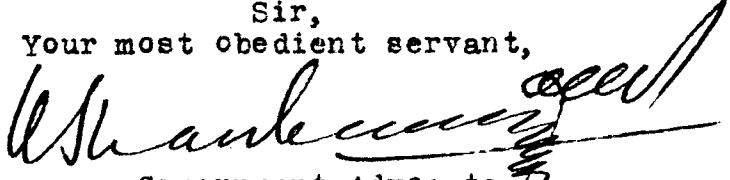
He

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independent legal practitioner of standing and experience, specially selected for the place and whose opinion is not likely to be coloured by that of any superior officers or the Government.

I venture to think that in passing the order under reference, the Government could not have intended to prejudicially affect the status, independence and emoluments of the Government Advocate in any manner; but as the rules framed at present have that effect, I request that the order and the rules appended thereto may be so revised (on the lines indicated above) as to maintain the status and independence of the Government Advocate as before, and his position as Chief Law Officer of Government.

I have the honor to be,
Sir,
Your most obedient servant,


Government Advocate.

J. P. O.

31.10.24

10 OF THE NEW WITH THE DEWAN

31 OCT 1924

192

Name of Interviewer—

L. H.

Representation in brief—

These were sent
on 29.6.24
addn to chief
secy

There is the

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The file is
here auto submitted

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I. Effect of Government Order No. P 4966-5045/
Cts.76-23-1, dated the 10th/19th March, -
1924.

- (1) TERM - not limited to any period when I was appointed. Present Rule 18 (2) limits it to 3 years. The new rule - should not be applied to me.
- (2) The Local and Legislative Secretary - styled "CHIEF LAW OFFICER" of Government, when the Government Advocate has all along been recognized as the Chief Legal Adviser (c.f., position of Advocate General in Madras, Bombay and other British Indian Presidencies.
- (3) RULE 13 clearly makes the Local and - Legislative Secretary, the Government Advocate's superior officer. The language is unhappy and objectionable.
- (4) REMUNERATION:- Not entitled to any remuneration before Chief Court for any - Civil work, under the combined effect - of Rules 22 and 35 (1), where fees are allowed by the ~~Chief~~ Court.
- (5) Under RULE 35 (2) (a) ordinary daily - Fee is Rs.25/- a day, whereas, it is - Rs.175/- and never less than Rs.150/- a day ordinarily, (subject to enhancement in cases of importance) in British India.

II. Question of ORDER OF PRECEDENCE.

The Government Advocate comes below the Senior Assistant Commissioners and Superintendent of Police, K. G. F.,

In British India he comes immediately - after I. C. S., Officers of 30 years' standing

and above even District Magistrates and District Judges.

SUBJECT _____

Diary No. of letter replied to _____

General and Revenue Secretariat

()
, the 192Section *cts*File No. *19-24*Serial No. *2*No. *1579 8*

Date of issue

25/9/24

To

*The Negs Chief Court
- ~~for the Advocate~~*

Signed by

M. S.

Sir

I am directed to request you
to kindly furnish information
on the following:-

- (1) The number of Criminal
appeals in which the first
Advocate has appeared before
the Chief Court in the year
1923-4.
- (2) The number of revision cases
and miscellaneous appeals in
which the first Advocate was asked to
appear before the Chief Court
by first or Chief Court in the
year 1923-4.
- (3) The number of cases that were put
in the Chief Court ^{over} during the same

24/9.

year against orders of
sequestration.

- 4) The number of cases referred
to the Chief Court under section
376 ~~Criminal Procedure Code~~

and section 307 Criminal Procedure Code in which the ^{Advocate appeared} ~~Advocate appeared~~ ^{in the year 1924}

- 5) The number of civil ~~suits~~ and miscellaneous cases, ^{in which the Advocate appeared}
falling under Rule 22, of the Rules
for the conduct of the legal affairs
of Govt in which the Govt Advocate
represented Govt in the Chief Court during 1923-24

An early reply is requested

I have etc

26/11/24
23.9

Do L. L. L. L.

25/9/24
ll

memo 1599 of 25/9/24

Copy to the Govt Advocate with
the request that the information
available in his office may
kindly be furnished immediately

B O

(Joint signature)

Do L. L. L. L.

81

18231

1601 705
P. 46
CHIEF COURT OF MYSORE

Telegraphic Address. } "JUSTICE"

Bangalore, dated 2nd October 1924.

Dr. No. 424 / m-25 / m-1

cts 19-24-3

FROM

A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,

Registrar, Chief Court of Mysore.

16 - OCT. 1924

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

I am directed to acknowledge receipt of your letter No.P.1598 cts.19-24-2 dated 25th September 1924, requesting information regarding the number of criminal and civil cases in which the Government Advocate appeared before the Chief Court in the year 1923-24 representing Government and to enclose here-in a list furnishing the required information.

I have the honour to be,

Sir,

Your most obedient servant,

Therunadappa

REGISTRAR.

pnk.

47 705

List of Cases (Criminal and Civil) in which the Government Advocate appeared before the Chief Court in the year 1923-24, representing Government.

CRIMINAL:-

1. Number of Criminal appeals in which the Government Advocate appeared..... 55
- 2(a) Number of Criminal Revision Cases -do- -do- -do- 20
- (b) Number of Criminal Revision Petitions -do- -do- 49
- (c) Number of Criminal Mis: Appeals in which the: Government Advocate appeared on the :..... 7
motion of the Chief Court. :
- (d) -do- -do- on the motion of Government.... 1
3. Number of Criminal Appeals filed against orders of acquittal..... 8
4. Number of Cases referred under section 374 Cr.P.C. in which the Government Advocate appeared..... 6
5. No reference was received under section 307 Cr.P.C. during the year 1923-24.....

C I V I L:-

The number of Civil and Miscellaneous Cases in which the Government Advocate represented Government in the Chief Court as follows:-

1. Second Appeal { Government Advocate appeared in this {
{ case to argue only the question of { ...1
{ court fee. {
2. Regular Appeals { In 3 of these Government Advocate {
{ appeared to argue only the question { ..11
{ of court fee and in one to urge for {
{ security of costs only. {
3. Civil Petitions..... 2
4. Civil Revision Petitions..... 2
5. Civil Referred Cases..... 7
6. Mis. Appeal (relating to the question of court fee).... 1

N.B. In the matter of the question of court fee in two second appeals and ten Regular Appeals only one notice was sent to the Secretary to Government, ~~General &~~ Revenue Department and the matter was treated as relating to one case under "Regular Appeals"

M. V. Srinivasan

For Registrar.

18459

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P

In reply please refer to
No. 315

Tel. Address:—
"JURIST," Bangalore.

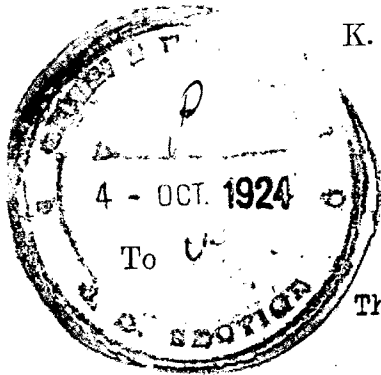
OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Bangalore 3rd October 1924.

Cts 19-24-4

FROM

K. SHANKARANARAYANA RAO, Esq., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE



The Secretary to the Government of
H. H. the Maharaja of Mysore,
Local & Legislative Departments,
BANGALORE.

SIR,

With reference to your letter No. P.1599/Cts. dated the 25th September 1924, I have the honour to forward herewith, as desired, the following information relating to the number of Cases in which I appeared before the Chief Court, in the year 1923-24.

- (1) Criminal Appeals :- 55 (actually disposed of).
- (2) 1. Criminal Revision Petitions:- 49 (actually disposed of).
 - ii. Cases :- 20
 - iii. Miscellaneous Appeals:-8
- (3) 8 Appeals were filed before the Chief Court against orders of acquittal.
- (4) Cases referred to the Chief Court -
 - Under Section 374. - 6.
 - Under Section 307. - Nil.
- (5) Total number of Civil Cases 32 consisting of the following:-
 - 16 Regular Appeals (out of which 8 were appeals filed as per orders of Government and the remaining 8 being cases in which I appeared for the Respondents as per instructions of Government).
 - 2 Civil Revision Petitions.
 - 2 Civil Petitions.
 - 7 Civil Referred Cases, and
 - 5 Questions of Court Fee.

I have the honor to be,
Sir,
Your most obedient servant,

K. Shankaranarayana Rao
Government Advocate.

4
Cts 19-24-5

Proceedings of the Govt. of H.H. the
Maharaja of Mysore.

Read:-

Rules for the conduct of the legal affairs
of Govt. issued in G.O.No.P.4966-5045/Cts 76-23-1
dated the 10-19th March 1924.

(2) Letter No.856 dated the 24th June 1924^s
from the Govt. Advocate in Mysore stating that the
new rules have prejudicially affected his statu^s,
independence and emoluments and requesting a
reconsideration of the rules.

Order No. P.4400-65 of 19-2-1925

Dated Bangalore

The Government Advocate represented that ~~the~~

(1) The new rules issued with the Govt. Order read above
have reduced the position of the Govt. Advocate
from being the Chief Law Officer of Govt. to
that of a Subordinate ~~Govt~~ a Secretariat Officer
(~~Rules 2, 7, & 13~~)

(2) He has been deprived of the ^{fees} for conducting
Civil and Miscellaneous cases in the Chief Court
and he is also debarred from taking up Criminal
cases in which Govt is not a party and public
interests are not involved. (~~Rules 22, 28 and~~
~~35-1~~)

(3) The scale of fees fixed for his remuneration
in cases in which he is entitled to fees is very
low as compared with those of the British
Indian Provinces. (~~Rule 35(2) (a)~~)

(4) Rule 18 (2) limiting the period of appointment
to 3 years ^{is not applicable to him since} ~~whereas~~ no time limit was fixed
when he was appointed.

Government have considered carefully all
~~all~~ these points and are pleased to direct
~~xxxxxx~~ that the following
modifications in the Rules for the
Conduct of the Legal affairs of Government
be made

- (1) Delete Rule 2.
- (2) For Rule 7- read as follows:-

In matters connected with Civil Justice
the Secretary to Govt. Local and Legis. Depts.
will be responsible to Govt. to see that
suitable arrangements for the conduct of
all suits, appeals and proceedings ~~xxxxxxx~~
affecting Govt. are made.

- (3) For Rule 13- read as follows:-

The Secretary, Local and Legis. Depts
may attend courts for the purpose of watching
the conduct of any case, Civil or Criminal,
on behalf of Government.

- (4) Include Rule 22 in the exceptions
mentioned in Rule 3⁽¹⁾.
- (5) As regards the term of office, Govt.
see no reason to alter the rule.
- (6) Separate orders will issue as regards the
question of raising the existing scale of
fees.

S. 1/2

S. 1/2
Secy. to Govt.
L & L Depts-

May this be

To

The Govt. Advocate in Mysore
" Secretaries to Govt.
" Deputy Commissioners of Dts.
" Dist. Magts. of Dts.
" Registrar, Chief Court
" Heads of Depts.

- 7/11*
8/11
14/11
- (1) Printed?
(2) Treated as a S.O.?
(3) Published in the Gazette?
(4) Placed at the disposal
of the Press?

51

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read:--

Rules for the conduct of the legal affairs of Government issued in G.O.No.P.4900-6045/Uta.70-25-1 dated the 10/19th March 1925.

D. Letter No. 800 dated the 24th June 1924 from the Government Advocate in Mysore stating that the new rules have prejudicially affected his status, independence and emoluments and requesting reconsideration of the rules.

Order, No. P4400-65/cls 19-24-5

Dated, Bangalore the 19th February 1925.

The Government Advocate represented that -

(1) The new rules issued with the Government Order read above have reduced the position of the Government Advocate from being the Chief Law Officer of Government to that of a subordinate to a Secretariat Officer.

(2) He has been deprived of the fees for conducting Civil and Miscellaneous cases in the Chief Court and he is also debarred from taking up Criminal cases in which Government is not a party and public interests are not involved:

(3) The scale of fees fixed for his remuneration in cases in which he is entitled to fees is very low as compared with those of the British Indian Provinces.

(4) Rule 18 (2) limiting ^{the} period of appointment to 3 years is not applicable to him since no time limit was fixed when he was appointed.

Government have considered carefully all these points and are pleased to direct that the following modifications in the Rules for the conduct of the Legal affairs of Government be made -

(1) Delete Rule 8.

(2) For rule 7 - read as follows:-

In matters connected with Civil Justice the Secretary to Government, Local and Legislative Departments, will be responsible to Government to see that suitable arrangements for the conduct of all suits, appeals and proceedings affecting Government are made.

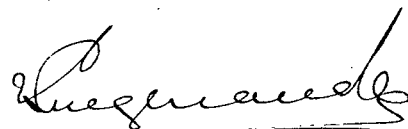
(3) For Rule 13- read as follows:-

The Secretary, Local and Legislative Departments may attend courts for the purpose of watching the conduct of any case, Civil or Criminal, on behalf of Government.

(4) Include Rule 22 in the exceptions mentioned in Rule 35(1)

(5) As regards the term of office, Government see no reason to alter the rule.

(6) Separate orders will issue as regards the question of raising the existing scale of fees.



For Secretary to Government,

Local and Legislative Departments.

Handwritten mark

The Government Advocate in Mysore.
The Secretaries to Government.
The Deputy Commissioners of Districts.
The District Magistrates of Districts.
The Registrar, Chief Court.
The Heads of Departments.

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Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 4400-65—Cts. 19-24-5, dated 19th February 1925.

Rules for the Conduct of Legal Affairs of Government.

Amends the ———.

READ—

Rules for the conduct of the legal affairs of Government issued in G. O. No. P. 4966-5045—Cts. 76-23-1, dated the 10—19th March 1924.

2. Letter No. 856, dated the 24th June 1924, from the Government Advocate in Mysore, stating that the new rules have prejudicially affected his status, independence and emoluments and requesting reconsideration of the rules.

ORDER NO. P. 4400-65—CTS. 19-24-5, DATED 19TH FEBRUARY 1925.

The Government Advocate represented that—

(1) The new rules issued with the Government Order read above have reduced the position of the Government Advocate from being the Chief Law Officer of Government to that of a subordinate to a secretariat Officer.

(2) He has been deprived of the fees for conducting Civil and Miscellaneous cases in the Chief Court and he is also debarred from taking up criminal cases in which Government is not a party and public interests are not involved.

(3) The scale of fees fixed for his remuneration in cases in which he is entitled to fees is very low as compared with those of the British Indian Provinces.

(4) Rule 18 (2) limiting the period of appointment to 3 years is not applicable to him since no time limit was fixed when he was appointed.

Government have considered carefully all these points and are pleased to direct that the following modifications in the Rules for the Conduct of the Legal Affairs of Government be made—

(1) Delete Rule 2.

(2) For Rule 7—read as follows:—

“In matters connected with Civil Justice, the Secretary to Government, Local and Legislative Departments, will be responsible to Government to see that suitable arrangements for the conduct of all suits, appeals and proceedings affecting Government are made.”

(3) For Rule 13—read as follows:—

“The Secretary, Local and Legislative Departments, may attend courts for the purpose of watching the conduct of any case, Civil or Criminal, on behalf of Government.”

(4) Include Rule 22 in the exceptions mentioned in Rule 35 (1).

(5) As regards the term of office, Government see no reason to alter the rule.

(6) Separate orders will issue as regards the question of raising the existing scale of fees.

B. NAGAPPA,

*Secretary to Government,
Local and Legislative Departments.*

To—The Government Advocate in Mysore.
The Secretaries to Government.
The Deputy Commissioners of Districts.
The District Magistrates of Districts.
The Registrar, Chief Court.
The Heads of Departments.

EXD.—D. K. M.